

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:24-cv-00344-FDW-SCR**

**JOHN DOE and JANE DOE,**

**Plaintiffs,**

**vs.**

**MARRIOTT INTERNATIONAL, INC.;  
WATERMARK CAPITAL PARTNERS,  
LLC d/b/a/ CHARLOTTE MARRIOTT  
CITY CENTER; and PARKING  
MANAGEMENT COMPANY,**

**Defendants.**

**DEFENDANTS MARRIOTT  
INTERNATIONAL, INC. AND  
WATERMARK CAPITAL  
PARTNERS, LLC'S ANSWER TO  
PLAINTIFFS' COMPLAINT**

**TRIAL BY JURY REQUESTED**

**COME NOW** Defendants Marriott International, Inc. and Watermark Capital Partners, LLC (collectively referred to as "Defendants"), by and through undersigned counsel, and file this Answer to Plaintiffs' Complaint in the above-captioned action and show the Court as follows:

**FIRST DEFENSE**

Plaintiffs' claims are barred by the doctrine of contributory negligence.

**SECOND DEFENSE**

Plaintiffs' claims are barred by failure to state a claim upon which relief can be granted.

**THIRD DEFENSE**

Plaintiffs' claims against Defendant Watermark Capital Partners are barred by insufficient service of process.

## **FOURTH DEFENSE**

Plaintiffs have failed to join necessary and indispensable parties without which this Court cannot accord complete relief.

Defendants answer the numbered paragraphs of Plaintiffs' complaint as follows:

1. The allegations in this paragraph are admitted.
2. The allegations in this paragraph are admitted.
3. The allegations in this paragraph are denied.
4. Defendants admit that Marriot International, Inc. is incorporated in Delaware and is authorized to do business in North Carolina. The remaining allegations in this paragraph are denied.
5. Defendants admit that Parking Management operated a parking garage attached to Charlotte Marriott City Center Hotel. Defendants lack sufficient information to admit or deny the remaining allegations in this paragraph.

## **JURISDICTION AND VENUE**

6. The allegations in this paragraph are admitted.
7. The allegations in this paragraph are admitted.

## **FACTUAL BACKGROUND**

8. The allegations in this paragraph are denied.
9. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.
10. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

11. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

12. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

13. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

14. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

15. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

16. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

17. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

18. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

19. Defendants admit the Hotel is located in Charlotte, North Carolina. Defendants lack sufficient information to admit or deny the remaining allegations in this paragraph.

20. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

21. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

22. The allegations in this paragraph are denied.

23. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

24. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

25. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

26. The allegations in this paragraph are denied.

27. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

28. The allegations in this paragraph are denied.

29. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

30. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

31. The allegations in this paragraph are denied.

32. The allegations in this paragraph are admitted.

33. The allegations in this paragraph are denied.

34. The allegations in this paragraph are denied.

35. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

36. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

37. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

38. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

39. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

40. Defendants admit at approximately 4:15 a.m. on the morning of April 8, 2022, Plaintiff John Doe called the front desk of the Hotel and reported some kind of altercation. The remaining allegations in this paragraph are denied.

41. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

42. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

43. Defendants admit Mr. Peay was not a registered guest of the Hotel at the time of the alleged incident. Defendants lack sufficient information to admit or deny the remaining allegations in this paragraph.

44. Defendants admit that Mr. Peay entered John Doe's room at approximately 4:00 a.m. on the morning of April 8, 2022, and that he was not questioned or apprehended by hotel staff prior to entering John Doe's room. The remaining allegations in this paragraph are denied.

45. The allegations in this paragraph are denied.

46. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

47. The allegations in this paragraph are denied .

48. The allegations in this paragraph are denied.

**COUNT I – NEGLIGENCE – PREMISES LIABILITY**  
**(On behalf of John Doe against Marriott International, Charlotte Marriott City Center, and Parking Management)**

49. Defendants reallege and incorporate herein all of its responses contained in the prior paragraphs 1 – 48 above as if fully restated.

50. Defendants admit that Marriot Hotel Services, LLC. was the operator of the Hotel at the time of the incident, and that Marriot Hotel Services, LLC. had a duty to keep the Hotel in a reasonably safe condition for lawful visitors. The remaining allegations in this paragraph are denied.

51. The allegations in this paragraph are admitted.

52. Defendants admit that the operator of the Hotel, Marriot Hotel Services, LLC., owed John Doe a duty to keep the Hotel in a reasonably safe condition. The remaining allegations in this paragraph are denied.

53. Paragraph 53 is denied.

54. Paragraph 54 is denied.

55. Defendants admit that the operator of the Hotel, Marriot Hotel Services, LLC, knew Mr. Peay was at the Hotel almost as soon as he arrived. The remaining allegations in this paragraph are denied.

56. Defendants admit that Marriot Hotel Services, LLC., as the operator of the Hotel at the time of the incident, had a duty to keep the Hotel in a reasonably safe condition for lawful visitors. The remaining allegations in this paragraph are denied.

57. The allegations in this paragraph are denied.

58. The allegations in this paragraph are denied.

59. The allegations in this paragraph are denied.

**COUNT II – NORTH CAROLINA DECEPTIVE TRADE PRACTICES ACT**  
**N.C.G.S. § 75-1.1**  
**(On behalf of John Doe against Marriott International**  
**and Charlotte Marriott City Center)**

60. Defendants reallege and incorporate herein all of their responses contained in the prior paragraphs 1 – 59 above as if fully restated.

61. The allegations in this paragraph are denied.

62. The allegations in this paragraph are denied.

63. The allegations in this paragraph are denied.

64. The allegations in this paragraph are denied.

65. The allegations in this paragraph are denied.

66. The allegations in this paragraph are denied.

67. The allegations in this paragraph are denied.

68. The allegations in this paragraph are denied.

69. Defendants admit that Marriot Hotel Services, LLC., as the operator of the Hotel at the time of the incident, had a duty to keep the Hotel in a reasonably safe condition for lawful visitors. The remaining allegations in this paragraph are denied.

70. The allegations in this paragraph are denied.

71. The allegations in this paragraph are denied.

72. The allegations in this paragraph are denied.

**COUNT III – NEGLIGENCE PER SE**

**(On behalf of Plaintiff John Doe Against Marriott International and Charlotte Marriott City Center)**

73. Defendants reallege and incorporate herein all of their responses contained in the prior paragraphs 1 – 72 above as if fully restated.

74. The allegations in this paragraph are admitted.

75. The allegations in this paragraph are admitted.

76. The allegations in this paragraph are admitted.

77. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

78. The allegations in this paragraph are denied.

79. The allegations in this paragraph are denied.

**COUNT IV – LOSS OF CONSORTIUM**

**(On behalf of Plaintiff Jane Doe against all Defendants)**

80. Defendants reallege and incorporate herein all of their responses contained in the prior paragraphs 1 – 79 above as if fully restated.

81. The allegations in this paragraph are denied.

82. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

83. Defendants lack sufficient information or knowledge to admit or deny the allegations in this paragraph.

84. The allegations in this paragraph are denied.



## PUNITIVE DAMAGES

85. Defendants reallege and incorporate herein all of their responses contained in the prior paragraphs 1 – 84 above as if fully restated.

86. The allegations in this paragraph are denied.

87. The allegations in this paragraph are denied.

Defendants deny that Plaintiffs are entitled to any relief, including but not limited to, that specific relief requested and enumerated in the Complaint. Any and all allegations in Plaintiffs' Complaint that have not been expressly admitted hereinabove are hereby denied. These answering Defendants further request that this Court deny Plaintiffs the relief sought and dismiss the Complaint in its entirety.

Respectfully submitted on April 30, 2024,

/s/ Travis R. Joyce  
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*Attorneys for Defendants Marriott  
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Capital Partners, LLC*

## **CERTIFICATE OF SERVICE**

This is to certify that on April 30, 2024 I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following counsel of record:

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